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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 SEP -8 AM 10:45

UNITED STATES OF AMERICA,

Plaintiff,

v.

Anastacio GONZALEZ-Palacios,

Defendant

Magistrate Docket No.

'08 MJ 2764

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
VNH
DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **September 6, 2008** within the Southern District of California, defendant, **Anastacio GONZALEZ-Palacios**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

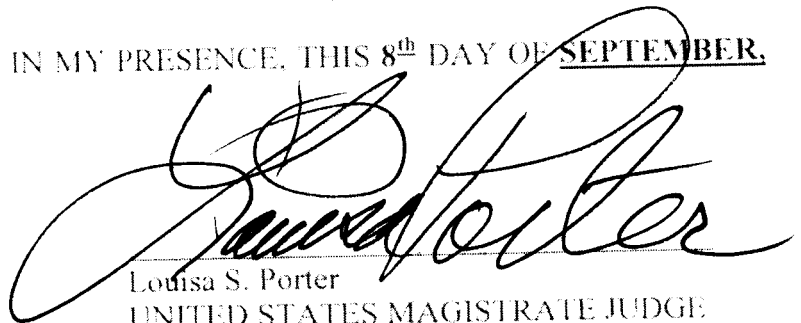
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF SEPTEMBER,
2008.



Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

SAH
9/6/08
VNH

CONTINUATION OF COMPLAINT:
Anastacio GONZALEZ-Palacios

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

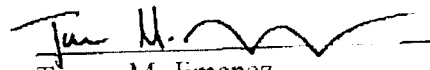
On September 6, 2008, Border Patrol Agent J. Sanchez was performing uniformed linewatch duties in the Chula Vista Border Patrol Station Area of Responsibility. Chula Vista Border Patrol Agents were notified via service radio from Infra-Red scope operator of a group of seven suspected illegal immigrants making their way north in an area commonly known to Agents as "Otay Lakes." This area is located approximately five miles east of the Otay Mesa, California, Port of Entry and approximately five miles north of the United States/Mexico International Border. Agent Sanchez responded to the area where the individuals were last seen and began searching the area.

After a brief search, Agent Sanchez found seven individuals attempting to conceal themselves in the high brush. Agent Sanchez approached the individuals and identified himself as a United States Border Patrol Agent. Agent Sanchez then questioned all individuals as to their citizenship and nationality, all individuals including the subject later identified as the defendant **Anastacio GONZALEZ-Palacios**, responded "Mexico." Agent Sanchez then asked all individuals if they possessed any immigration documents allowing them to legally enter or remain in the United States, all subjects, responded "No." At approximately 4:30 a.m., Agent Sanchez placed all individuals under arrest and had them transported to the Chula Vista Border Patrol Station for further processing.

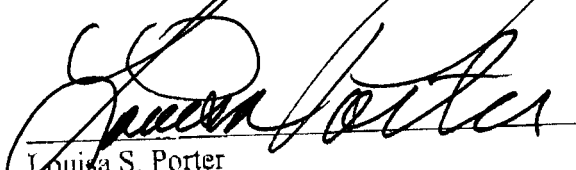
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 6, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

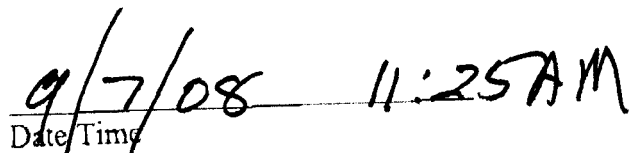
The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

Executed on September 7, 2008 at 9:30 A.M.


 Tomas M. Jimenez
 Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on September 6, 2008, in violation of Title 8, United States Code, Section 1326.


 Louisa S. Porter
 United States Magistrate Judge


 Date/Time